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4 SURGICAL INSTRUMENT SERVICE  
5 COMPANY, INC., et al.,  
6 Plaintiffs,  
7 v.  
8 INTUITIVE SURGICAL, INC.,  
9 Defendant.

10 Case No. 21-cv-03496-AMO  
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**ORDER FOLLOWING CONFERENCE**

13 On this day, the Court held a Zoom conference with the parties to discuss certain pretrial  
14 arrangements. During the conference, the Court denied Defendant Intuitive Surgical, Inc.'s  
15 motion for leave to file a motion for reconsideration or, in the alternative, for certification of an  
16 interlocutory appeal. ECF 339. Intuitive requested further guidance regarding the scope of the  
17 Court's Order re Motions in Limine, *see* ECF 330, the subject of its motion. The Court provides  
18 the following general guidance related to the three exemplar exhibits regarding which Intuitive  
19 sought clarity.

20 Exhibit 1 to the Gallo Declaration in support of the motion for reconsideration is a letter  
21 Intuitive sent to Marin General Hospital dated November 26, 2019. *See* ECF 338-2 at 1.  
22 Consistent with the Court's Order re Motions in Limine, that letter may be presented at trial with  
23 redactions of references to the Food and Drug Administration ("FDA") and its regulatory process.

24 Exhibit 2 to the same Gallo Declaration is a letter Intuitive sent to Rebotix Repair LLC  
25 dated April 16, 2019. *See* ECF 338-2 at 5. Consistent with the Court's Order re Motions in  
26 Limine, that letter may also be presented at trial with redactions, though the redactions will likely  
27 prove more extensive than those anticipated for Exhibit 1 due to pervasive references to the FDA  
28 and its regulatory scheme.

1       Exhibit 26 to the same Gallo Declaration is an email with a lengthy attachment sent by the  
2 FDA dated June 23, 2015. *See* ECF 338-4 at 59. Consistent with the Court's Order re Motions in  
3 Limine, this exhibit may not be presented at trial.

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5       **IT IS SO ORDERED.**

6       Dated: December 17, 2024

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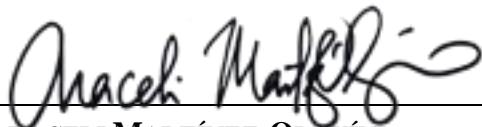
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ARACELI MARTÍNEZ-OLGUÍN  
United States District Judge